

**RESOLUTION NO. 2064**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS CREATING AND APPOINTING AN IMPACT FEE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE TO CONSIST OF THE CITY PLANNING AND ZONING COMMISSION AND ONE ADDITIONAL MEMBER APPOINTED BY THE CITY COUNCIL AND SETTING FORTH THE FUNCTIONS AND THE DUTIES THEREOF AND ADVISING THE CITY COUNCIL ON UPDATES TO THE CITY'S IMPACT FEE PROGRAM FOR WATER, WASTEWATER AND ROADWAYS; AND PROVIDING FOR AN EFFECTIVE DATE IN COMPLIANCE WITH THE IMPACT FEE STATUTES FOUND IN CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE.**

**WHEREAS**, Chapter 395 of the Texas Local Government Code (“Chapter 395”) authorizes political subdivisions to finance capital improvements associated with new development on land within their corporate boundaries and extraterritorial jurisdiction in compliance with this Chapter with the exception that impact fees may not be enacted or imposed in the extraterritorial jurisdiction for roadway facilities; and

**WHEREAS**, Chapter 395 authorizes a municipality to contract to provide capital improvements, except roadway facilities, to an area outside its corporate boundaries and extraterritorial jurisdiction and may charge an impact fee under the contract in compliance with this Chapter; and

**WHEREAS**, the Terrell City Council has determined that it is in the public interest to adopt an impact fee program for water and wastewater facilities and roads; and

**WHEREAS**, the Texas Local Government Code, Chapter 395 prescribes certain procedures for the updating of an impact fee program; and

**WHEREAS**, these statutes prescribe a process that incorporates the required methodology, the procedures for public hearings, and the review of components related to impact fees; and

**WHEREAS**, this legislation requires that a Capital Improvements Advisory Committee (“Advisory Committee”) be appointed by the governing body to advise the City Council on certain matters related to the procedures promulgated by Chapter 395; and

**WHEREAS**, the legislation further requires that the City Council adopt procedural rules for the Advisory Committee to follow in carrying out its duties; and

**WHEREAS**, the City Council has determined that the impact fee program may be applied in the Extraterritorial Jurisdiction (ETJ) of the City and that a representative residing in the City's ETJ should be appointed to the Committee.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Terrell that the following appointments, assignments and procedures be adopted in compliance with the requirements of Chapter 395 of the Texas Local Government Code:

Section I. Establishment of Advisory Committee.

There is hereby established an advisory committee to the City Council named the "Capital Improvements Advisory Committee" (CIAC).

Section II. Membership, Compliance and Appointment.

2.1 The Capital Improvements Advisory Committee ("Advisory Committee") shall be composed of the members of the Terrell Planning and Zoning Commission plus one additional member, to be named by the Terrell City Council, who is associated with development, real estate, building industry or a related field residing in the ETJ of the City of Terrell.

2.2 The Chairperson of the Terrell Planning & Zoning Commission shall serve as the Chairperson of the Advisory Committee.

2.3 The Chairperson of the Advisory Committee shall be a voting member but shall not initiate or second any motion made by the Committee.

2.3 The City Manager shall serve as an ex officio member of the Advisory Committee but shall have no vote in connection with any of the determinations or recommendations of the Advisory Committee.

2.4 The City Council reserves the right to appoint additional members to the Advisory Committee if required to replace a member due to a resignation or for any other purpose needed to fulfill the composition requirements of Chapter 395.

Section III Functions and Duties.

3.1 The Advisory Committee shall serve in an advisory capacity.

3.2 The Advisory Committee is established:

- 3.21 To advise and assist the City in the preparation of land use assumptions and the capital improvements plan;
- 3.22 To review the capital improvements plan and file written comments;
- 3.23 To monitor and evaluate implementation of the capital improvements plan;
- 3.24 To produce semi-annual reports with respect to progress of the capital improvements plan and report to the City Council any perceived inequities in implementing the plan or imposing the impact fee; and
- 3.25 To advise the City Council of the need to update or revise the land use assumptions, capital improvements plan or impact fees.

Section IV. Conduct of the Advisory Committee.

- 4.1 The Advisory Committee shall conduct Committee business only when a quorum is present. In this case a quorum shall be defined as not less than one-half of the Committee's membership.
- 4.2 The Advisory Committee's activities, scheduling and conduct should be as commonly prescribed in Robert's Rules of Order.
- 4.3 The Advisory Committee shall meet at sufficient intervals to accomplish the functions enumerated in Section III.
- 4.4 The Advisory Committee shall provide Committee Reports to the City Council that include comments and recommendations regarding Land Use Assumptions, Capital Improvements Plans, and Impact Fees.
- 4.5 The Committee Reports shall be submitted:
  - 4.51 Before the fifth business day before the date of the public hearing on the proposed land use assumptions, water and wastewater capital improvements plan, and roadway capital improvements plan; and
  - 4.52 Before the fifth business day before the date of the public hearing on the proposed water and wastewater impact fees, and roadway impact fee; and
  - 4.53 At such other times as shall be deemed appropriate.

Section V. Responsibilities of the City Government

The City Council and City staff shall make available to the Advisory Committee any professional reports regarding the development or implementation of land use plans, capital improvements plans, utility financial analyses, or any other information that may be available relevant to the development of impact fees under the Chapter 395 process.

Section VI. This Resolution shall take effect immediately upon his approval.

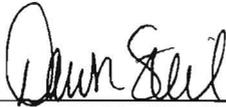
PASSED AND APPROVED by the City Council of the City of Terrell, Texas, on the 14<sup>th</sup> day of March, 2023.

CITY OF TERRELL, TEXAS



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E. Rick Carmona, Mayor

Attest:



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Dawn Steil, City Secretary